

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAMMART FASHION CO. LTD.

Plaintiff,

-against-

WEAR ME APPAREL CORP.
d/b/a KIDS HEADQUARTERS
and HEYMAN CORPORATION

Defendants,

Case No. 07 CV 4035
JUDGE BATTS
**AFFIRMATION IN SUPPORT
OF DEFAULT JUDGMENT**

Leslie Martin Shamis, an attorney duly licensed to practice law in the United States District Court for the Southern District Of New York, affirms under penalty of perjury as follows:

1. I am the attorney for the plaintiff in the above captioned action and am familiar with the facts and circumstances of this action.
2. I make this affirmation pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant, Heyman Corporation.
3. This is an action to recover \$257,947.63 owed by defendant Heyman Corp. And Wear Me Apparel Corp., to plaintiff for goods sold and delivered. Defendant Wear Me Apparel Corp., has brought a motion to dismiss which has been submitted to this Court for decision.
4. Jurisdiction of the subject matter of this action is based on diversity of citizenship jurisdiction.
5. A copy of the summons and complaint is annexed hereto and labeled Exhibit "A".
6. The action was commenced on May 23, 2007, by the filing of the summons and complaint. Defendant Heyman Corporation was served with the summons and complaint in this

action on June 4, 2007, by delivering a copy with the office of the Secretary of State of the State of New York and leaving same with the authorized agent of said defendant. The original affidavit of service is on a file with this Court and a true copy of same is annexed hereto and labeled Exhibit "B".

7. Defendant Heyman Corporation has failed to answer, or otherwise move or seek an extension of time to answer. The time for said defendant to answer the complaint has expired. The Court Clerk's Certificate of default dated December 5, 2007, is annexed hereto and labeled Exhibit "C".

8. I have communicated with the prior attorney for the said defendant in an effort to ascertain whether or not said defendant would be partaking in this action. Said attorney advised that it no longer represents defendant Heyman Corporation. See Exhibit "D".

9. Upon information and belief, defendant Heyman Corporation is no longer operating.

10. Defendant Wear Me Apparel Corp., has moved to dismiss the complaint and its motion is currently pending before this honorable Court. A copy of this motion is being served upon its counsel.

11. A copy of the certification of Dora Tong, sworn to the 28th day of December, 2007, executive director of plaintiff is annexed hereto. This action seeks judgment for the liquidated amount of \$257,947.63, plus interest at 9% from March 1, 2006, as shown by the annexed certification of Dora Tong.

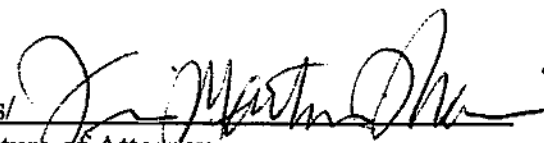
12. It is respectfully requested judgment be entered in favor of plaintiff and against defendant Heyman Corporation based upon this affirmation and the certification of Dora Tong, annexed hereto.

13. The disbursements sought to be taxed have been made in this action or will

necessarily be made herein.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed
Judgment against defendant.

Date: January 23, 2008
Long Beach, New York

/s/ 
Signature of Attorney
Attorney Bar Code: LS8384

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